

**STATE OF RHODE ISLAND AND PUBLIC PLANTATIONS
PUBLIC UTILITIES COMMISSION**

**IN RE: CITY OF NEWPORT UTILITIES DEPARTMENT,
WATER DIVISION
Notice of Proposed Changes in Rates**

DOCKET NO. 3457

**OBJECTION OF NEWPORT UTILITIES DEPARTMENT
TO MOTION TO INTERVENE
FILED BY PORTSMOUTH WATER AND FIRE DISTRICT**

The City of Newport Utilities Department, Water Division (hereinafter Newport Water) hereby files this, its Objection, to the Motion to Intervene filed by the Portsmouth Water and Fire District (hereinafter Portsmouth) pursuant to Rule 1.13 of the Rules of Practice and Procedure of the Public Utilities Commission.

In its motion, Portsmouth correctly sets forth that it is a major wholesale customer of Newport Water. However, Docket #3457 deals only with the retail rates of Newport Water and has nothing to do with anything that may affect Portsmouth.

Rule 1.13(b) does not allow simply any person who is interested in a docket to intervene. In order to be allowed the right to intervene, a movant must demonstrate

that it has a right conferred by statute, an interest which may be directly affected, or any other interest of a nature that their participation may be in the public interest.

In this case, Portsmouth is not claiming the right to intervene under statute. Also, it does not have any interest which might be directly affected by the docket which is not adequately represented by existing parties. As stated above, this is a docket which deals with retail rates only and Portsmouth is a wholesale customer only.

Finally, Portsmouth has stated in its motion that its “participation in this proceeding is also clearly in the public interest” but sets forth nothing on which the Commission could rule that Portsmouth’s participation is in the public interest. Simply making the statement is not adequate.

Moreover, the parties in this docket have agreed that action on this docket will be deferred until on or after December 1, 2002, by which time it is anticipated that Newport will make a general rate filing. Newport water concedes that at that time it would certainly be appropriate for Portsmouth as a major wholesale customer to file a motion to intervene in the general rate filing. However, at this point, in light of a lack of evidence of any interest in this filing as well as the fact that proceedings on this matter have been deferred, there is no reason to allow Portsmouth to intervene.

WHEREFORE, Newport Water hereby asks the Commission for an order

denying the Motion of Portsmouth Water and Fire District to intervene in Docket #3457.

City of Newport, Utilities Department
Water Division
By Its Attorneys,

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CERTIFICATION

I, the undersigned, hereby certify that true copies of the within were provided to the following in the manner indicated this _____ day of _____, 2002:

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